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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

COREY E. JOHNSON,

Plaintiff,

CIVIL ACTION NO.
7:20cv582

v.

(K-9) OFFICER McCOWAN, et al.,

Defendants.

DEPOSITION UPON ORAL EXAMINATION
OF COREY E. JOHNSON,
TAKEN ON BEHALF OF THE DEFENDANTS

Pound, Virginia

July 28, 2022

1 Q. And what sort of -- what sort of jobs have
2 you held prior to being in DOC custody?

3 A. I had several jobs. Just to be brief, I've
4 worked at the state mail system down on Governor
5 Street. I used to deliver mail for the state mail
6 system, FCC building, the governor at the time. I've
7 worked for Airborne Express and DHL. And I've also
8 worked at Costco when it was Price Club.

9 Q. What did you do at DHL? Were you also
10 doing deliveries then?

11 A. Yes, sir.

12 Q. How about at Costco? What was your job
13 there?

14 A. Costco I started out seasonal. They just
15 hire you to come in during the holiday season. I
16 eventually ended up stocking there. Putting the stock
17 up.

18 Q. Thank you, Mr. Johnson.

19 When did you begin serving your current
20 sentence in the Department of Corrections?

21 A. 2005.

22 Q. How long is that sentence for?

23 A. That sentence is a life sentence.

24 Q. What was the conviction for?

25 A. The conviction was for two counts of murder

1 and two counts of the use of a firearm in the
2 commission of a felony.

3 Q. Prior to that sentence were you ever in
4 federal or state custody?

5 A. I was in state custody one time before
6 starting in 1999 for three and a half years.

7 Q. So you were getting out in 2002? Is that
8 correct?

9 A. February 2000 -- 2003.

10 Q. You said that was in state custody. Was
11 that in Virginia?

12 A. Yes, sir.

13 Q. And when you got out did you do any time on
14 probation or parole?

15 A. No, I did not.

16 Q. So talking about your current sentence
17 right now -- and we can go back and I'll ask some
18 similar questions about your prior sentence -- what
19 locations have you been incarcerated in since you began
20 serving your sentence in 2005? To the best of your
21 memory.

22 A. I went to Sussex I State Prison. I went to
23 Sussex II State Prison and I went to -- and I came to
24 Red Onion State Prison.

25 Q. So did you begin serving your current

1 sentence immediately at Sussex I?

2 A. I went to receiving at -- when I first got
3 incarcerated they sent me to Mecklenburg State Prison
4 and I stayed there for two weeks, and then they sent me
5 to receiving at Sussex I. They had a receiving at the
6 time.

7 Q. Okay. So you initially were at Mecklenburg
8 for a short period of time and then to Sussex I. Do
9 you recall about how long you were at Sussex I?

10 A. I got -- at Sussex I, I got to Sussex I in,
11 I believe late 2005 and I left there in February 2012.

12 Q. And you said your next place of
13 incarceration was Sussex II?

14 A. Was Sussex II.

15 Q. So that was beginning in February of 2012,
16 correct?

17 A. Yes.

18 Q. How long were you at Sussex II?

19 A. I stayed at Sussex II until 2015.

20 Q. Do you recall the month?

21 A. November. No. Right around Thanksgiving.
22 A little before Thanksgiving.

23 Q. So around November. And you said that was
24 2015?

25 A. Yes.

1 Q. Okay. And so from there you went to Red
2 Onion November 2015; is that correct?

3 A. I came to Red Onion because the dialysis
4 machine at Sussex, or Greenville, I believe -- the
5 dialysis machine for the dialysis patients that have to
6 go to Greenville, it broke down and by that being an
7 emergency situation, they had to bring those guys to
8 Sussex II. And they emergency transferred us to Red
9 Onion. It was supposed to be for two weeks. It ended
10 up for being like three or four months and in 2016 they
11 transferred us right back.

12 Q. They transferred you -- so you got to Red
13 Onion November 2015, as you said, due to the situation
14 with some dialysis patients being moved to Sussex II.
15 And is it correct that there just wasn't capacity for
16 everybody who was there at Sussex II at the time? Is
17 that right?

18 A. That's what we were told.

19 Q. Okay. And so this was a temporary move to
20 Red Onion; is that correct?

21 A. Exactly. That's what we were told.

22 Q. Okay. And so how long were you there?

23 A. Well, it was supposed to be for two weeks.
24 They said we would be back, I think before
25 Thanksgiving. And for some reason it turned into

1 Christmas, for some reason it was going to be the new
2 year. And, eventually, I would say around April, they
3 moved us back.

4 Q. So it's April of 2016 and at that point you
5 went back to Sussex II?

6 A. Yes.

7 Q. Okay. So how long did you remain at Sussex
8 II after that?

9 A. I came back -- so we'd have to calculate
10 the time. I would say from 2016 to 2018 is when I came
11 back up to Red Onion, which was March the 27th.

12 MR. DAVIS: Can we go off the record for
13 just a second?

14 (Recess)

15 BY MR. DAVIS:

16 Q. So, Mr. Johnson, before we went off the
17 record we were talking about your incarceration
18 history, and I believe you had last testified that you
19 had been at Sussex II State Prison for the time period
20 of April 2016 to March of 2018. Correct?

21 A. It was 2015.

22 Q. Just so we go back over what I understand
23 you testified to, you had mentioned being temporarily
24 relocated from Sussex II to Red Onion. I believe that
25 time period was November of 2015 to April of 2016.

1 Correct?

2 A. If I'm not mistaken, I believe it was.

3 Q. Okay. And so you returned to Sussex II in
4 April 2016, and how long were you there?

5 A. I was transferred back up here in March of
6 2018.

7 Q. That was transferred to Red Onion?

8 A. Yes, sir.

9 Q. Okay. And have you gone to any other
10 facilities since March of 2018?

11 A. No, I haven't.

12 Q. So you've been at Red Onion since that
13 time?

14 A. Correct.

15 Q. Do you recall where you were housed during
16 your prior time in DOC from 1999 to 2003?

17 A. I was housed in Indian Creek Correctional
18 Center.

19 Q. Is that for the full duration of your
20 sentence?

21 A. No. I first went to receiving, it was in
22 Fairfax, Virginia.

23 Q. Okay. So when did you get to Indian Creek?

24 A. To be honest with you, I don't remember.

25 It was so long ago. It was -- I left -- that was in, I

1 have it written down, but I wasn't selected.

2 Q. Do you participate in any other programs?

3 A. I go to the Muslim service. Out of the
4 (inaudible) program.

5 THE REPORTER: I'm sorry. Excuse me.
6 Repeat that answer.

7 A. The Muslim program.

8 THE REPORTER: Thank you.

9 BY MR. DAVIS:

10 Q. You said you go to Muslim services. How
11 often do you go to those?

12 A. It's just once a week.

13 Q. And are those congregant services or is
14 that just some sort of program that you receive in your
15 cell?

16 A. Congregant service.

17 Q. Are there any other activities you like to
18 do with your out-of-cell time?

19 A. I like to just go and work out. Try to
20 stay out of trouble.

21 Q. You said that you work out?

22 A. Yes.

23 Q. What do you do for exercise?

24 A. Just pull-ups, push-ups. Dips.

25 Q. Sir, the locations that you stated you've

1 been housed in at DOC, Sussex I, Sussex II, Red Onion,
2 do all of those facilities use patrol K-9s?

3 A. Yes, they do.

4 Q. Sir, before the incident that is at issue
5 in this case, the incident of May 2nd, 2020, did you
6 ever witness DOC patrol dogs responding to any sort of
7 incident?

8 A. All the time.

9 Q. How many times do you think you've seen
10 that?

11 A. To be honest with you, I've seen it more up
12 here than I've seen down there, at Sussex I and Sussex
13 II.

14 Q. You said more at Red Onion than at Sussex?

15 A. Yeah.

16 Q. Okay. Did you see -- did you ever see any
17 patrol K-9 responses at Sussex?

18 A. Never.

19 Q. You never did there? So that the first --

20 A. No.

21 Q. -- time you witnessed a dog respond to some
22 sort of incident was at Red Onion?

23 A. I've seen them respond as far as, you know,
24 they have them on -- they have them there. But as far
25 as somebody being bit, I haven't seen them bite anybody

1 A. Probably about a year ago. I don't -- I
2 don't even -- I just -- I remember stuff that deals
3 with me. Know what I'm saying? Other guys, I remember
4 it like it was yesterday but as far as like, you know,
5 keeping specifics of it, I don't -- you know what I'm
6 saying? I just recall it.

7 Q. Let me ask then. In that instance did that
8 occur before or after the time when you were bitten?

9 A. After.

10 Q. After. Okay. Did you ever see anybody
11 bitten by a dog before May 2nd, 2020?

12 A. Yeah.

13 Q. Do you remember when that was?

14 A. I don't remember when it was.

15 Q. Do you recall what happened?

16 A. No.

17 Q. Do you remember the name of the inmate who
18 was bitten?

19 A. No.

20 Q. Were you bitten by a dog before May 2nd,
21 2020?

22 A. No, I was not.

23 Q. Were you bitten by a dog after that date?

24 A. No, I was not.

25 Q. Sir, I would like to ask you now about that